

AUG 08 2007

Appn. Number 10/707,158 [Seaman] Amendment A

Page 13 of 26

Examiner's Rejection

Regarding claim 2, Deal further shows the device (see figures 20-25) can be attached to or removed from a basketball goal (12) by use of the hooks and a shepherds crook (pole 86 having an end point 88 and a hook 90; see figure 17).

Why Claim 2 is unique & Rebuttal to the rejection of claim 2:**Shepherd's crook used with annular member only.**

The shepherd's crook [86 in Deal] is described as used in conjunction with the annular member [10 in Deal]. The shepherd's crook [86 in Deal] is not described in conjunction with an inner and outer bearing nor with a chute. The shepherd's crook [86 in Deal] does not have a U shaped tip.

U Shaped tip

The shepherd's crook as claimed has a U shaped tip which allows it to capture the bearing assembly and not only lift if an put it into place on the goal but also remove the device from the goal.

Claim

3. In accordance with claim 1 further that said chute can be attached to and removed from said bearing by means of said shepherd's crook, whereby a ladder is not required for installation and removal of said chute.

Examiner's Rejection

Regarding claim 3, Deal shows a chute (combination of annular member 10 and netting 18) can be attached to and removed from the bearing (14) by means of the shepherds crook (86).

Why Claim 3 is unique & Rebuttal to the rejection of claim 3:**No discussion of the required shape of a chute**

The annular member [10 in Deal], is described as "The exact length that the annular member [10 in Deal] extends downward from the rim [14 in Deal] is not critical, as long

Appn. Number 10/707,158 [Seaman] Amendment A

Page 14 of 26

as it forms a sufficient visual guide” [Column 3 lines 6 through 9 – underscore added]
To perform the function of a chute, that is to guide the ball away from the rim [14 in Deal] the length and the shape is critical. First it needs to be long enough to allow the ball to pass under the rim [14 in Deal]. Second it needs to then bend to direct the ball away from the goal [12 in Deal]. Deal has no description of the annual member [10 in Deal] having either of these two required features that is enough.

Loop may catch in net

The loop [82 in Deal] is likely to get caught in the net which will limit any rotation.

If attached to the netting as described, the annual member [10 in Deal] will not be able to rotate. Further the shepherd’s crook [86 in Deal] is not capable of completely attaching and detaching the annual member [10 in Deal] to the goal and net.

As opposed to the means and functionality presented in this application

As described in the specification, the functions of
attaching to the basketball goal,
rotating with respect to the basketball goal,
directing the ball away from the basketball goal,
and installation and removal from the basketball goal without a ladder
are achieved by separate means,
the inner bearing,
the outer bearing and roller bearings,
the chute and
shepherd’s crook respectively.

The applicant respectively submits that the separate chute and shepherds crook are of patentable merit under Section 103 because the chute and shepherd’s crook enable the installation and removal of the chute as well as the directing away from the basketball goal functionality that is not anticipated by Deal. These results are superior to Deal as well as other prior patents which lack any suggestion of either the means or the resulting

Appn. Number 10/707,158 [Seaman] Amendment A

Page 15 of 26

functionality. This solves a long-felt, long-existing, but unsolved need to return balls away from the basketball goal to any area of the basketball court.

Claim

4. In accordance with claim 1 further that there are a plurality of hooks made of a strong but springy material attached to the inner bearing by which the device can be attached to any basketball goal whereby it is difficult for said plurality of hooks to be removed from the basketball goal by a basketball hitting it while still allowing the said shepherd's crook to install or remove said hooks.

Examiner's Rejection

Regarding claim 4, Deal shows the hooks (26) are made of a strong but springy material various embodiments have been disclosed for the mounting means; see column 3, lines 42-68 and column 4, lines 1-30).

Why Claim 4 is unique & Rebuttal to the rejection of claim 4:**Hooks not separate from annular member**

These tabs described in Deal are indeed described as being made of a springy material in various embodiments; however, they are described as fulfilling a holding function. There is no description of them enabling or allowing a rotation capability.

As opposed to the means and functionality presented in this application.....

As described in the specification, the functions of
installation and removal from the basketball goal,
holding to the basketball goal,
and rotating with respect to the basketball goal,
are achieved by separate means,
the shepherd's crook,
plurality of hooks and inner bearing,
and the outer bearing and roller bearings respectively.

Appn. Number 10/707,158 [Seaman] Amendment A

Page 16 of 26

The applicant respectively submits that the separate shepherd's crook, plurality of hooks and inner bearing, roller bearings and outer bearing are of patentable merit under Section 103 because these five elements enable functionality that is not anticipated by Deal. These results are superior to Deal as well as other patents which lack any suggestion of either the means or the resulting functionality. This solves a long-felt, long-existing, but unsolved need to return balls away from the basketball goal to any area of the basketball court.

Claim

5. In accordance with claim 1 further that said plurality of hooks fold allowing the device to be substantially smaller whereby the device can be more easily transported and stored.

Examiner's Rejection

Regarding claim 5, Deal shows the plurality of hooks (26) fold allowing the device to be smaller (second embodiment pertaining to figures 5 and 6).

Why Claim 5 is unique & Rebuttal to the rejection of claim 5:

The hooks described in Deal are not described as folding.

The hooks described in this application are folding.

Claim

6. In accordance with claim 1 further that said chute is foldable allowing said chute to be substantially smaller whereby said chute can be more easily transported and stored.

Appn. Number 10/707,158 [Seaman] Amendment A

Page 17 of 26

Examiner's Rejection

Regarding claim 6, Deal shows the chute (combination of 10 and 18) is foldable allowing the chute to be substantially smaller.

Why Claim 6 is unique & Rebuttal to the rejection of claim 6:**Annular member not described as folding**

The annular member [10 in Deal], which is never described as a chute, nor is it described as being able to direct the ball away from the basketball goal, is also not described as folding. This is further evidence that Deal did not anticipate the annular member [10 in Deal] be used as anything else besides a visual guide. Unlike a visual guide, a chute has length and shape requirements, as described in the rebuttal to rejection of claim 3, which means it will be relatively large and bulky unless there are specific means to allow it to become smaller when not in use. Adding folding capabilities increases the ease of use and functionality of the chute. Since Deal did not anticipate the annular member [10 in Deal] being used as a chute, there was no need to consider folding functionality.

Claim

7. In accordance with claim 1 further that passage of the ball through said basketball goal is restricted by one of the items selected from the following group said bearing, said facsimile hoop, said plurality of hooks, and said chute whereby making shots is more difficult.

Examiner's Rejection

Regarding claim 7, Deal shows the passage is restricted by one of the items selected from the group: the hooks (26).

Why Claim 7 is unique & Rebuttal to the rejection of claim 7:**Deal fewer elements, less functionality.**

The device described by Deal has fewer elements and less functionality. The device described has more elements and functionality. Any one of the claimed elements can restrict the passage of the basketball.

Appn. Number 10/707,158 [Seaman] Amendment A

Page 18 of 26

Claim

8. In accordance with claim 1 further that said device does not rest on the floor of the basketball court whereby it does not impede the area of play.

Examiner's Rejection

Regarding claim 8, Deal shows the device does not rest on the floor (see figures 1 and 17).

Why Claim 8 is unique & Rebuttal to the rejection of claim 8:

Deal fewer elements, less functionality.

Deal has fewer elements with less functionality, making it easier to not rest on the floor.

Appn. Number 10/707,158 [Seaman] Amendment A

Page 19 of 26

Claim

9. In accordance to claim 1 further that said plurality of roller bearings includes an item selected from the following group a plurality of ball bearings, and a plurality of cylinder bearings whereby smooth rotation between the two sides is facilitated.

Examiner's Rejection***Allowable Subject Matter***

5. Claim 9 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Claim 9 Modified

The claim has been modified to meet U.S.C. 112.

Claim

10. In accordance with claim 1 further that the said inner bearing is attached to said basketball goal's support so that it does not interfere with the top surface of the top of said basketball goal whereby balls striking the said top of said basketball goal will behave as they normally do despite the fact that device is attached.

Examiner's Rejection

Regarding claim 10, Deal further shows the means by which the bearing (14) is attached to the basketball goal (12) does not interfere with the top surface of the basketball goal (see figures 26-30).

Why Claim 10 is unique & Rebuttal to the rejection of claim 10:

Deal – figures 26 through 28 interferes with top of rim and does not allow rotation
Deal's embodiments shown in Figures 26 through 28 clearly shows the lip [60 in Deal] above the rim [14 in Deal] so that the ball would strike Deal's invention rather than the

Appn. Number 10/707,158 [Seaman] Amendment A

Page 20 of 26

rim. Further the wedge [92 in Deal] will run into the eyelets [26 in Deal] preventing rotation in Figures 26 and 27. The resilient clip [96 in Deal] shown in Figures 28 and 29 will run into the eyelets [26 in Deal] preventing rotation.

Figures 29 and 30 – no rotation

The annular member [10 in Deal] shown as being woven together with the special netting [18 in Deal] does allow the basketball to strike the top of the rim rather than the Deal's device. However, this provides a number of problems. First it would take some time to install or remove from the basketball goal that is, to weave the special netting [18 in Deal] and annular member [10 in Deal] together to each other and the eyelets [26 in Deal]. Second, installation and removal could not be done without a ladder. Third, this weaving together would also prevent rotation.

Device as claimed provides means and functionality Deal does not

The device as claimed provides the means attaching the inner bearing to the basketball goal enabling the functionality of returning the ball to any area of the court without interfering with the top surface of the basketball goal. This provides both a means and functionality that is not anticipated by Deal or other patents and that is superior.

Claim

11. In combination a device comprising an item selected from the following group: a facsimile of a basketball goal, and a chute; whereby balls can be directed away from the basketball goal, which is connected to an outer bearing member; held between said outer bearing member and an inner bearing member there is a plurality of roller bearings whereby not only is the basketball channeled away from the basketball goal, but also the direction of the basketball return can be easily changed.

Appn. Number 10/707,158 [Seaman] Amendment A

Page 21 of 26

Examiner's Rejection

Regarding claim 11, as best understood Deal discloses in combination a device comprising: an item selected from the following group: a facsimile of a basketball goal (12) and a chute (combination of annular member 10 and netting 18); the direction of the basketball return can be easily changed and the other side of which is connected to a means to attach to a basketball goal selected from the following group a plurality of hooks (26), whereby the device can be connected to a basketball goal either temporarily or permanently. It is noted that "the balls can be directed away from the basketball goal which is connected to one side of a rotatable bearing member consisting of at least two parts rotatable with respect to each other" as presented is a functional limitation and does not alter the structure of the claimed device.

Why Claim 11 is unique & Rebuttal to the rejection of claim 11:**Deal fewer elements, less functionality.**

Claim 11, now rewritten, recites four elements: roller bearings sandwiched between and inner bearing and an outer bearing as well as a chute/facsimile goal where Deal only recites one, an annular member [10 in Deal]. This language distinguishes over Deal under Section 102 because Deal does not show or discuss neither these means nor the functions they enable. These distinctions are submitted to be of patentable merit under Section 103 because the roller bearings sandwiched between and inner bearing and an outer bearing enable the outer bearing to freely rotate with respect to the inner bearing. The chute can direct the ball away from the basketball goal. The facsimile goal allows other chute devices to be attached so that the ball can be directed away from the basketball goal. These results are superior to Deal as well as other prior patents which lack any suggestion of either the means or the resulting functionality. This solves a long-felt, long-existing, but unsolved need to return balls away from the basketball goal to any area of the basketball court.

Deal: No mention of rotation

The annular member [10 in Deal] described does not mention any ability to rotate with respect to the goal [12 in Deal] nor the means to do so.

Deal: No mention of a facsimile goal

The annular member [10 in Deal] described does not mention any means by which other basketball chute devices can be attached

Deal: Lip 60 runs into Support Bar 68 and limits rotation if there were any

Further if the annular member [10 in Deal] were capable of the ability to rotate the lip [60 in Deal] that wrapped over the top of the rim [14 in Deal] it would run into the 'support bar' [68 in Deal shown in Figure 16] that connects the backboard [20 in Deal] to the rim [14 in Deal].

Deal: Indentation 70 size issues – not all areas of the court

While discussing the indentations [70 in Deal] in the lip [60 in Deal] at the 'appropriate point' to accommodate the 'support bar' [68 in Deal] the patent states in column 5 line 1 "Obviously, there are many variations which may occur to lip 60 in order to accommodate any of a number of means of supporting the basketball hoop." However, Deal does not mention the consequences of the indentation 70 getting larger. As shown in Deal's figure 15 and figure 18 the ball could not be returned to any area of the court since the indentation [70 in Deal] is too small. This assumes that the annual member [10 in Deal] had the shape necessary to direct the ball away from the goal [12 in Deal]. This shortcoming in Deal is discussed below.

Deal: Indentation 70 size issues – attachment, strength and durability

As the indentation [70 in Deal] grew larger to allow the annual member to be rotated with respect to the goal [12 in Deal], the annular member [10 in Deal] would become less securely attached to the goal [12 in Deal].

Also as the indentation [70 in Deal] grew larger the annual member would become weaker and consequently more likely to come loose from the goal [12 in Deal], deform or break when hit by a basketball. None of these issues and the trade offs between them are discussed in Deal.

Appn. Number 10/707,158 [Seaman] Amendment A

Page 23 of 26

Therefore it is respectfully submitted that it is not clear the Deal anticipated either the means or the functionality provided by the disclosed invention and in particular this first claim.

Claim

12. In accordance with claim 11 further that said device can be attached to and removed from a basketball goal by use of a plurality of hooks and a shepherd's crook, whereby a ladder is not required for installation or removal.

Examiner's Rejection

Regarding claim 12, Deal further shows the device can be attached to and removed from the basketball goal by use of a hooks (26) and a shepherds crook (pole 86 having an end point 88 and a hook 90, see figure 17).

Why Claim 12 is unique & Rebuttal to the rejection of claim 12:

The shepherd's crook 86 is described as used in conjunction with the annular member [10 in Deal]. The shepherd's crook 86 is not described in conjunction with the hooks [lips, 60 in Deal] to install or remove the invention from the basketball goal. The shepherd's crook 86 is only described in conjunction with the annual member [10 in Deal].

Claim

13. In accordance with claim 12 further that said hooks are made of a strong but springy material such that it is difficult for said hooks to be removed from the basketball goal by a basketball hitting it whereby said hook will not inadvertently come loose from said basketball goal.

Examiner's Rejection

Regarding claim 13, note the rejection of claim 4.

Please see rebuttal to the rejection of claim 4.

Appn. Number 10/707,158 [Seaman] Amendment A

Page 24 of 26

Claim

14. In accordance with claim 11 further that said plurality of hooks fold allowing the device to be substantially smaller whereby the device can be more easily transported and stored.

Examiner's Rejection

Regarding claim 14, note the rejection of claim 5.

Please see rebuttal to the rejection of claim 5.

Claim

15. In accordance with claim 11 further that said chute can be attached to and removed from said bearing by means of said shepherd's crook whereby a ladder is not required to install or remove said chute.

Examiner's Rejection

Regarding claim 15, note the rejection of claim 3.

Please see rebuttal to the rejection of claim 3.

Claim

16. In accordance with claim 11 further that said chute is foldable allowing the device to be substantially smaller when not in use then whereby said chute can be more easily transported and stored.

Examiner's Rejection

Regarding claim 16, note the rejection of claim 6.

Please see rebuttal to the rejection of claim 6.

Claim

17. In accordance with claim 11 further that passage of the ball through said basketball goal is restricted by one of the items selected from the following group

Appn. Number 10/707,158 [Seaman] Amendment A

Page 25 of 26

said bearing, said facsimile hoop, said plurality of hooks, and said foldable chute whereby making shots is more difficult.

Examiner's Rejection

Regarding claim 17, note the rejection of claim 7.

Please see rebuttal to the rejection of claim 7.

Claim

18. In accordance with claim 11 further that said device does not rest on the floor of the basketball court whereby it does not impede the area of play.

Examiner's Rejection

Regarding claim 18, note the rejection of claim 8.

Please see rebuttal to the rejection of claim 8.

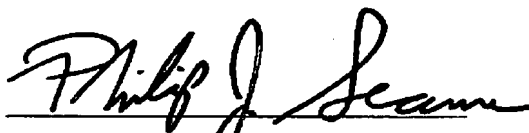
Appn. Number 10/707,158 [Seaman] Amendment A

Page 26 of 26

The applicant submits that the specification and claims are now in proper form, and that the claims all define patentably over the prior art. Therefore it is submitted that this application is now in condition for allowance, which action I respectfully solicit.

It is submitted that patentable subject matter is clearly present. If the examiner agrees but does not feel that the present claims are technically adequate, the applicant respectfully requests that the examiner write acceptable claims pursuant to MPEP 707.07(j).

August 8, 2007


Philip J. Seaman**Certificate of Facsimile Transmission**

I hereby certify that on the date below I will fax this communication, and the and attachments, if any, to the Patent and Trademark Office at the following number:
(571) 273 -8300

Date:

8/8/07

Inventor's Signature:

